IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 16591 of 2007(A)

PETITIONER:

SINDU.O., H.S.A.(MATHEMATICS),
PAPPINISSERRY PANCHAYATH HIGHER SECONDARY
SCHOOL, PAPPINISSERRY P.O., KANNUR DIST.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETAY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM.

2. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY THE SECRETARY,
KERALA PUBLIC SERVICE COMMISSION,
PATTOM, THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF EDUCATION,
KANNUR.

4. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
KANNUR.

5. THE MANAGER,
PAPPINISSERRY PANCHAYATH HIGHER SECONDARY
SCHOOL, PAPPINISSERRY P.O., KANNUR DIST.

6. THE DIRECTOR OF HIGHER SECONDARY
EDUCATION, THIRUVANANTHAPURAM.

7. THE DISTRICT EDUCATIONAL OFFICER,
KANNUR.

8.THE REGIONAL DEPUTY DIRECTOR
(HIGHER SECONDARY EDUCATION), KOZHIKODE
IMPLEADED AS ADDL.R8 AS PER ORDER IN I.A.8239/07 DATED 19.6.2007)

BY ADV. .
GOVERNMENT PLEADER SRI. T.T. MOHAMMED
SRI.P.M.PAREETH
SRI.ALEXANDER THOMAS,SC,KPSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1: TRUE COPY OF THE RANKED LIST FOR THE POST OF HSA (MATHEMATICS) MALAYALAM MEDIUM IN KANNUR DISTRICT.

EXT.P2: TRUE COPY OF THE ADVICE MEMO DATED 30.3.2005 ISSUED BY THE PSC TO THE PETITIONER.

EXT.P3: TRUE COPY OF THE LETTER DATED 15.6.2005.

EXT.P4: TRUE COPY OF THE LETTER DATED 22.10.2005.

EXT.P5: TRUE COPY OF THE LETTER DATED 5.8.2005.

EXT.P6: TRUE COPY OF THE ADVICE MEMO DATED 24.12.2005.

EXT.P7: TRUE COPY OF THE JUDGMENT DATED 20.7.2006 IN W.WP.(C)NO.3291 OF 2006.

EXT.P8: TRUE COPY OF THE ORDER DATED 16.8.2006 ISSUED BY THE 3RD RESPONDENT.

EXT.P9: TRUE COPY OF THE ADVICE MEMO DATED 23.12.2006.

EXT.P10: TRUE COPY OF THE ORDER DATED 15.1.2007

RESPONDENT'S EXHIBITS

EXT.R5(A): TRUE COPY OF THE LETTER DATED 19.1.05 SUBMITTED BY THIS RESPONDENT TO THE SIXTH RESPONDENT.

EXT.R5(B): TRUE COPY OF THE LETTER DATED 21.6.07 ISSUED BY THE REGIONAL DEPUTY DIRECTOR, KOZHIKODE.

EXT.R5(C): TRUE COPY OF THE REPLY DATED 10.7.07 ISSUED BY THIS RESPONDENT TO THE REGIONAL DEPUTY DIRECTOR, KOZHIKODE.

EXT.R5(D): TRUE COPY OF LETTER DATED 19.7.07 SUBMITTED BY THIS RESPONDENT BEFORE THE SIXTH RESPONDENT.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)No.16591 OF 2007

Dated this the 25th day of September, 2007

JUDGMENT

The petitioner was appointed as High School Assistant (Mathematics) in the 5th respondent's school. Appointment was on the basis of Ext.P7 judgment and Ext.P10 appointment order. The petitioner is not being paid salary is the grievance in this writ petition. The salary is denied on the ground that the appointment of Smt. Bindu George as Higher Secondary School Teacher (Junior) consequent to which promotion the petitioner has been appointed, has not been approved.

2. I have heard the learned Government pleader also. The learned Government pleader submits that the appointment of Smt. Bindu George was not approved since Smt. Bindu George was appointed in the vacancy vacated by one Reena Kumari, who was promoted as Higher Secondary School Teacher which itself was in a vacancy consequent to resignation of a teacher, which has not been approved. Now the learned Government pleader submits the resignation, the appointment of Reena Kumari and

the appointment of Smt. Bindu George have all been approved and therefore, the approval of appointment of the petitioner is only a formality.

In the above circumstances, the writ petition is disposed of with a direction to the 7th respondent to pass orders regarding the approval of the appointment of the petitioner within a period of one month from the date of receipt of a copy of this judgment.

S. SIRI JAGAN, JUDGE

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